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JIN MING LIN, CHI WAI CHAO,)	
YOOK THAI CHEAH, MING F. FUNG,)	
MUOI GIANG, YUEN YUE SOOHOO,)	
and MEI ZHI,)	
)	
Plaintiffs,)	Civil Action No. 09-11510-GAO
v.)	
)	
CHINATOWN RESTAURANT CORP.,)	
and JOYCE P.Y. HAYES,)	
)	
Defendants.)	
)	

During the course of a day at the Restaurant, there are occasional times when no customers are in the restaurant and there are no take-out orders. Additionally, some workers occasionally need to use the restroom during their workday. When these events occur, the worker remains on duty and is paid as legally required. *IBP, Inc. v. Alvarez*, 546 U.S. 21, 37 (2005) (holding that “continuous workday” demarcates compensable time); 29 C.F.R. § 785.15 (“[f]or example, a repair man is working while he waits for his employer to get the premises in readiness...”). There is no legitimate legal argument that such paid “down” time or off-line time is uncompensable or that it may offset unpaid hours.

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RESPECTFULLY SUBMITTED,

For Plaintiffs

By their attorneys,

/s/ Myong J. Joun

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/s/ Jeffrey Wiesner

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CERTIFICATE OF SERVICE

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CM/ECF.

Date: 10/19/2012 /s/Myong J. Joun
Myong J. Joun